

UNITED STATES PATENT AND TRADEMARK OFFICE

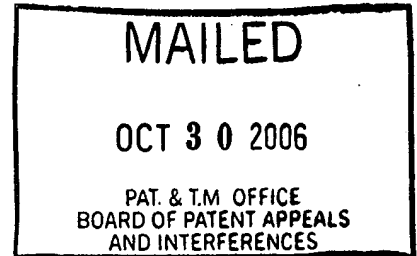
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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCE

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Ex parte WAYNE W. WANG and JOEY HUANG

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Application 09/824,491

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was electronically received at the Board of Patent Appeals and Interferences (BPAI) on October 21, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below.

On October 21, 2005, appellants filed an Appeal Brief. A review of the file reveals that the "Summary of Claimed Subject Matter" does not map the independent claim to the specification, as set forth in 37 CFR § 41.37(c)(1)(v), which states:

(v) *Summary of claimed subject matter.* A concise explanation of the subject


matter defined in each of the independent claims involved in the appeal, which shall refer to the specification by page and line number, and to the drawing, if any, by reference characters. For each independent claim involved in the appeal and for each dependent claim argued separately under the provisions of paragraph (c)(1)(vii) of this section, every means plus function and step plus function as permitted by 35 U.S.C. 112, sixth paragraph, must be identified and the structure, material, or acts described in the specification as corresponding to each claimed function must be set forth with reference to the specification by page and line number, and to the drawing, if any, by reference characters.

Proper correction of the Appeal Brief is required.

Accordingly, it is ORDERED that the application is returned to the Examiner:

- 1) to hold the Appeal Brief filed on October 21, 2005, defective;
- 2) to notify appellant to file a supplemental Appeal Brief in compliance with 37 CFR § 41.37;
- 3) to consider the supplemental Appeal Brief and, if necessary, vacate the Examiner's Answer mailed January 11, 2006 and issue a revised Examiner's Answer; and
- 4) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

  
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